



IT IS ORDERED as set forth below:

A handwritten signature in black ink that reads "Jeffery W. Cavender".

Date: May 31, 2019

Jeffery W. Cavender
U.S. Bankruptcy Court Judge

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:) Case No. **18-66766-JWC**
)
BEAUTIFUL BROWS LLC,) Chapter 11
)
Debtor.)

ORDER

Before the Court for hearing on May 23, 2019 (the “Hearing”), came the *Motion (A) for Authority to Sell Assets Free and Clear of Liens, Claims, Encumbrances, and Interests; (B) to Assume and Assign Certain Executory Contracts; and (C) to Establish Procedures With Respect to Such Sale* [Doc. No. 125] (the “Motion”). The Motion was filed by on behalf of the appointed Chapter 11 Trustee S. Gregory Hays (the “Trustee”) on May 10, 2019 and seeks authority (i) to sell substantially all of the Debtor’s remaining assets pursuant to 11 U.S.C. § 363(f), (ii) to assume the Debtor’s unexpired lease agreements pursuant to 11 U.S.C. § 365(b) for the Debtor’s two operating locations, and (iii) to assign the Debtor’s interest in the unexpired leases to the proposed purchaser pursuant to 11 U.S.C. § 365(f). It appears to the Court that all creditors and parties in

interest were given notice of the Motion and Hearing. Responses were filed by a secured creditor, Ameris Bank, and both lessors of the Debtor's operating locations, Simon Property Group, L.P. ("Simon") and CBL & Associates Management, Inc., as managing agent for Arbor Place II, LLC ("CBL"). Counsel for Ameris Bank, Simon, and CBL appeared at the Hearing as well. At the Hearing, several interested buyers appeared and an auction was held which resulted in a high bid of \$285,000, and the Court heard evidence regarding sale process and the proposed purchaser's intentions with the Debtor's operating locations. Based on the Court's findings as stated on the record at the Hearing, the Court authorized Trustee to proceed with papering the proposed sale. The Hearing was continued to May 30, 2019 (the "Continued Hearing") to allow the winning bidder time to provide Simon and CBL with information related to adequate assurance of future performance. Counsel for Ameris Bank, Simon, and CBL all appeared at the Continued Hearing. Based on the representations made by the parties at the Continued Hearing and as evidenced by the signatures below, it appears that all remaining objections to the Motion have been resolved. The Court having considered the Motion and all other pleadings and proceedings in this case; and it appearing that the relief requested in the Motion is in the best interest of the Debtor, its estate, its creditors, and all other parties in interest; and after due deliberation and sufficient cause appearing, it is hereby

ORDERED, that the Motion is GRANTED to allow the sale of the Debtor's Personal Property (as defined in Section 1.5 of the Asset Purchase Agreement), to Minal Patel and Magan Patel (collectively, the "Buyer") for \$285,000.00 pursuant to 11 U.S.C. §§ 363(b) and (f), free and clear of all liens, claims, encumbrances and interests with any valid and enforceable liens attaching to the net sale proceeds with the same validity, priority, force and effect such liens had on the Debtor's Personal Property immediately prior to this sale, and subject to the rights, defenses, and

objections, if any, of the Debtor and all interested parties with respect to any such asserted liens.

It is further

ORDERED that the Trustee is authorized to pay Southeastern Business Intermediaries, LLC (“Broker”) a six percent (6%) commission in the amount of \$17,100.00. It is further

ORDERED that the Trustee’s motion to assume and assign the Debtor’s lease with CBL for a retail store at Arbor Place Mall in Douglasville, Georgia (the “CBL Lease”) is granted subject to the following conditions:

- (a) Trustee shall make a payment to CBL in the amount of \$34,962.37 as required by 11 U.S.C. § 365(b)(1)(A) & (B) within five days of the closing of this sale;
- (b) Trustee shall assign the CBL Lease to Guru Hari Salon LLC concurrently with the closing of this sale; and
- (c) Minal Patel and Magan Patel shall each execute and deliver a personal guaranty to CBL within fourteen days of the closing of this sale. It is further

ORDERED that the Trustee’s motion to assume and assign the Debtor’s lease with Simon for a retail store at the Mall of Georgia in Buford, Georgia (the “Simon Lease”) is granted subject to the following conditions:

- (a) Trustee shall make a payment to Simon in the amount of \$22,067.62 as required by 11 U.S.C. § 365(b)(1)(A) & (B) within five days of the closing of this sale;
- (b) Trustee shall assign the Simon Lease to Nilkanth Salon LLC (“Nilkanth”) concurrently with the closing of this sale, and Minal Patel shall execute, on behalf of Nilkanth, an amendment to the Simon Lease to reflect the assignment of the Simon Lease to Nilkanth.
- (c) Minal Patel, Magan Patel, and Hitesh Patel shall each execute and deliver a personal

guaranty to Simon within fourteen days of the closing of this sale; and

(d) Shakuntala Patel shall execute and deliver a one-year personal guaranty to Simon within fourteen days of the closing of this sale. It is further

ORDRED that Trustee is authorized to make certain distributions as needed in order to facilitate the transfer of the Debtor's operations to the Buyer effective June 1, 2019, including, but not limited to, the payment of funds from credit and debit card transactions completed after May 31, 2019 that will be deposited into the Debtor's merchant account; and payment of Debtor's employees for work completed through the May 31, 2019 payroll period. It is further

ORDERED that Fed.R.Bankr.P. 6004(h) shall not apply to this Order, which shall be effective immediately so that the Trustee may proceed *instanter* with the sale, at which time the gross sales proceeds shall be paid to the Trustee pursuant to this Order. It is further

ORDERED that the Buyer is a good faith purchaser and is entitled to the benefits and protections afforded by 11 U.S.C. § 363(m).

[END OF DOCUMENT]

Signatures on following page

Prepared and presented by:

JASON L. PETTIE, P.C.

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*signed by Jason L. Pettie, with express
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Consented to by:

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Consented to by:

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*signed by Jason L. Pettie with express
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DISTRIBUTION LIST

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